



**ARIZONA STATE SENATE**  
***Fifty-Third Legislature, First Regular Session***

**FACT SHEET FOR H.B. 2404**

initiatives; circulators; signature collection; contests

Purpose

Prohibits payment to circulators for statewide initiative or referendum petitions based on the number of signatures collected and prescribes related penalties. Outlines actions that a person can take to challenge an initiative or referendum.

Background

Statute defines *paid circulator* as a natural person who receives monetary or other compensation that is based on: 1) the number of signatures obtained on a petition; or 2) the number of petitions circulated that contain signatures. However, the definition excludes a paid employee of any political committee organized pursuant to [A.R.S. Title 16, Chapter 6](#), unless that employee's primary responsibility is circulating petitions to obtain signatures ([A.R.S. § 19-118](#)). Statute permits a person to circulate a petition for statewide ballot measures for pay as long as the person registers as a circulator with the Secretary of State (SOS). Signatures collected by a paid circulator who fails to register with the SOS are disqualified ([A.R.S. § 19-118](#)).

Currently, statute permits a political committee that intends to submit an application for initiative petition or referendum petition for a proposed law or constitutional amendment to submit a copy of the text of the proposed law, referral or constitutional amendment to the director of the Legislative Council after filing a statement of organization ([A.R.S. § 19-111.01](#)).

A class 1 misdemeanor carries a jail sentence of up to 6 months and up to \$2,500 in fines before surcharges.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

***Paid Circulation***

1. Prohibits a person from paying or receiving money or any other thing of value based on the number of signatures collected on a statewide initiative or referendum petition.
2. Classifies doing so as a class 1 misdemeanor.

3. Specifies signatures obtained by a paid circulator as described above are void and cannot be counted in determining the legal sufficiency of a petition.
4. Extends the length of time during which any person is allowed to commence a challenge of a circulator's lawful registration in the appropriate county superior court from 5 days to 10 business days after the date by which petitions are required to be filed.

### ***Challenging a Measure***

5. Permits any person to contest the validity of an initiative or referendum.
6. Requires multiple actions contesting the validity of an initiative or referendum to be consolidated before they are heard in a superior court.
7. Permits any person to seek to enjoin the SOS or other officer from certifying or printing the official ballot for the election that will include the proposed initiative or referendum.

### ***Legislative Review***

8. Permits a political committee that intends to support or oppose a measure to submit a copy of the text of the proposed law, referral or constitutional amendment to the Director of the Legislative Council. Currently, doing so is limited to the political committee that intends to submit an application for initiative or referendum petition.
9. Modifies the timeframe for submittal to the Director of the Legislative Council to require a person to submit an application before he or she may submit a copy of the text for review.

### ***Miscellaneous***

10. Contains a legislative findings and intent clause which maintains that protecting the integrity of the statewide initiative process through prevention of fraud is a significant state interest and declares that the statutory requirements for initiative measures in this act further this purpose by preventing fraud and increasing public confidence in the initiative process.
11. Contains a severability clause.
12. Becomes effective on the general effective date.

### **House Action**

GOV	2/16/2017	DPA	5-3-0
3 <sup>rd</sup> Read	2/23/2017		35-24-0-1

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AW/VR/rr